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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,028	12/20/2000	Elizabeth Rosenzweig	80995DMW	8667

7590 10/05/2004  
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EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 10/05/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/742,028

Applicant(s)

ROSENZWEIG ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to communications: Appeal Brief, filed on 07/26/04.
2. Claims 1-32 are pending in this application. Claims 1 and 7 are independent claims.
3. In view of the appeal brief filed on 07/06/04, PROSECUTION IS HEREBY REOPENED. *New grounds of rejection are* set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9, 17-20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubillos (US 6,486,896) in view of Sciammarella et al. (US 5,983,369) further in view of Dempski et al. (US 6,564,209).

As per claim 1, Ubillos teaches a graphical user interface adapted to browse and retrieve pictures stored in a digital image; database, said graphical user interface comprising (col. 2, lines 8-16):

The examiner infers a database that stores a series of digital images to be a board range of data.

a metadata decoder adapted to decode metadata stored in digital image files;

a first display level constructed with the aid of decoded metadata, said first display level comprising a first metaphor representing the span of time over which pictures stored in said database were captured (col. 2, lines 23-38) and at least a second display level constructed with the aid of decoded metadata and linked to said first display level (col. 2, lines 30-38).

The examiner considers the display that is displayed once user has zoomed in to be a second display level.

However, Ubillos fails to teach the interface further comprises: a plurality of first icons placed on said first metaphor representing predefined temporal intervals, said first icons being proportionately sized to correspond to the number of pictures captured during a predefined temporal interval;

The display of the second level is triggered by activating one of said first icons, said second display level comprising a second metaphor, and second icons placed on said second

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metaphor for grouping the pictures represented by the activated first icon, said second icons being proportionately sized to correspond to the number of pictures captured for each grouping.

Sciammarella et al. teaches an interface comprises: a plurality of icons that represent different interval of the database, the size of the icon is corresponding to a value (col. 3, lines 13-19); and each icon allows user to “zoom in” for a closer examination of the data.

It would have been obvious to an artisan at the time of the invention to include Sciammarella et al.’s teaching with Ubillos’ interface in order to allow the users to access the data directly.

However, both Ubillos and Sciammarella fail to teach the icons are proportionally sized to correspond to the number of pictures captured for each grouping.

Dempski et al. teaches showing the number of documents by proportionally increasing or decreasing the size of the representative object (col. 17, lines 20-48).

It would have been obvious to an artisan at the time of the invention to include Dempski’s teaching with method of Sciammarella et al.’s teaching and Ubillos order to convey relevant data to the user visually.

As per claim 2, Ubillos, Sciammarella and Dempski’s teach the graphical user interface of Claim 1. Ubillos further teaches the graphical user interface wherein the time intervals represented by said first icons correspond to years, and said second icons correspond to months, according; to decoded metadata (fig. 4, item 12).

As per claim 3, Ubillos, Sciammarella and Dempski’s teach the graphical user interface of Claim 2. Ubillos further teaches the graphical user interface comprising:

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at least a third display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said third display level comprising a third metaphor, and third icons placed on said third metaphor for grouping the pictures represented by the activated second icon by the day of the week of capture, said third icons being proportionately sized to correspond to the number of pictures captured for each grouping (fig 4, item 21).

The examiner infers day to be the third display level.

As per claim 4, Ubillos, Sciammarella and Dempski's teach the graphical user interface of Claim 3. Ubillos further teaches the graphical user interface comprising:

at least a fourth display level constructed with the aid of decoded metadata, linked to said third display level and triggered by activating one of said third icons, said fourth display level comprising a fourth metaphor, and fourth icons placed on said fourth metaphor for grouping the pictures represented by the activated third icon by the time of day of capture, said fourth icons being proportionately sized to correspond to the number of pictures captured for each grouping (fig 4, item 22)

The examiner infers hour to be the fourth display level.

As per claim 5, Ubillos, Sciammarella et al. and Dempski teach the graphical user interface of Claim 1. Ubillos further teaches the method wherein the time intervals represented by said first icons correspond to years (fig. 4, item 12). Dempski teaches the said second icon correspond to identified event during which pictures are captured, according to decoded metadata (col. 17, lines 20-48; Examiner interprets topics to be events).

As per claim 6, Ubillos, Sciammarella et al. and Dempski teach the graphical user interface of Claim 5, Ubillos further teaches wherein the display position of said second metaphor is substantially perpendicular to the display position of said first metaphor (fig 5b, item 13).

As per claim 7, Ubillos, Sciammarella and Dempski teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. Dempski further teaches the second icons correspond to identify locations from which pictures are captured, according to decoded metadata. (col. 18, lines 25-35)

As per claim 8, Ubillos, Sciammarella and Dempski teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years. Dempski further teaches the second icons correspond to identified people present in pictures, according to decoded metadata.

As per claim 9, Ubillos, Sciammarella and Dempski teach the graphical user interface of Claim 1. Ubillos further teaches the graphical user interface wherein the time intervals represented by said first icons correspond to decades during which pictures are captured, and said second icons correspond to years during which pictures are captured, according to decoded metadata (col 3, lines 14-16).

As per claim 17, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 18, it is of the same scope as claim 2. (see rejection above)

As per claim 19, it is of the same scope as claim 3. (see rejection above)

As per claim 20, it is of the same scope as claim 4. (see rejection above)

As per claim 21, it is of the same scope as claim 5. (see rejection above)

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As per claim 22, it is of the same scope as claim 6. (see rejection above)

As per claim 23, it is of the same scope as claim 7. (see rejection above)

As per claim 24, it is of the same scope as claim 8. (see rejection above)

As per claim 25, it is of the same scope as claim 9. (see rejection above)

5. Claims 10-16 and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ubillos (US 6,486,896) in view of Sciammarella et al. (US 5,983,369) further in view of Dempski et al. (US 6,564,209) further in view of Morris et al. (US 6,097,389).

As per claim 10, Ubilios, Sciammarell et al. and Dempski teach the graphical user interface of Claim 1. However they fail to teach the graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated second icon. Morris et al. teaches using thumbnail icons to present index of pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching with the interface of Ubillos, Sciammarella et al. and Dempski in order to allow quick browsing through multiple images or pages.

As per claim 11, Ubilios, Sciammarell et al. and Dempski teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years and said second icons correspond to months, according to decoded metadata (fig. 4, item 12). However they fail to teach said graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons, said additional display level comprising



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additional level thumbnail icons of the pictures represented by the activated second icon. Morris et al. teaches using thumbnail icons to present index of pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching with the interface of Ubillos, Sciammarella et al. and Demp ski in order to allow quick browsing through multiple images or pages.

As per claim 12, Ubilios, Sciammarel et al. and Demp ski teach the graphical user interface of Claim 3. However they fail to teach said interface comprising an additional display level constructed with the aid of decoded metadata, linked to said third display level and triggered by activating one of said third icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated third icon. Morris et al. teaches using thumbnail icons to present index of pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching with the interface of Ubillos, Sciammarella et al. and Demp ski in order to allow quick browsing through multiple images or pages.

As per claim 13, Ubilios, Sciammarel et al. and Demp ski teach the graphical user interface of Claim 4. However they fail to teach said interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said fourth display level and triggered by activating one of said fourth icons, said additional display level comprising additional level thumbnail icons of the pictures represented by the activated fourth icon. Morris et al. teaches using thumbnail icons to present index of pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching

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with the interface of Ubillos, Sciammarella et al. and Demp ski in order to allow quick browsing through multiple images or pages.

As per claim 14, Ubillos, Sciammarella et al. and Demp ski teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years, and said second icons correspond to identified events during which pictures are captured, according to decoded metadata, said graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons. However they fail to teach said additional display level comprising additional display level thumbnail icons of the pictures represented by the activated second icon. Morris et al. teaches an interface that uses thumbnail icons to present index of pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching with the interface of Ubillos, Sciammarella et al. and Demp ski in order to sort pictures in to event related group and to allow quick browsing through multiple images or pages.

As per claim 15, Ubillos, Sciammarella et al. and Demp ski teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to years, and second icons correspond to identified locations from which pictures are captured, according to decoded metadata, said graphical user interface further comprising an additional display level constructed with the aid of decoded metadata, linked to said second display level and triggered by activating one of said second icons. However they fail to teach said additional display level comprising additional display level thumbnail icons of the pictures represented by the activated second icon. Morris et al. teaches using thumbnail icons to present index of

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pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching with the interface of Ubillos, Sciammarella et al. and Dempksi in order to sort pictures in to location related group and to allow quick browsing through multiple images or pages.

As per claim 16, Ubillos, Sciammarella et al. and Dempski teach the graphical user interface of Claim 1, wherein the time intervals represented by said first icons correspond to year, and second icons correspond to identified people present in pictures, according to decoded metadata, said graphical user interface further comprising an additional display level linked to said second display level and triggered by activating one of said second icons. However, they fail to teach additional display level comprising additional display level thumbnail icons of the pictures represented by the activated second icon. Morris et al. teaches using thumbnail icons to present index of pictures (fig 12b, item 809). It would have been obvious to an artisan at the time of the invention to include Morris et al.'s teaching with the interface of Ubillos, Sciammarella et al. and Dempski in order to sort pictures in to people related group and to allow quick browsing through multiple images or pages.

As per claim 26, it is of the same scope as claim 10. (see rejection above)

As per claim 27, it is of the same scope as claim 11. (see rejection above)

As per claim 28, it is of the same scope as claim 12. (see rejection above)

As per claim 29, it is of the same scope as claim 13. (see rejection above)

As per claim 30, it is of the same scope as claim 14. (see rejection above)

As per claim 31, it is of the same scope as claim 15. (see rejection above)

As per claim 32, it is of the same scope as claim 16. (see rejection above)

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*Response to Arguments*

Applicant's arguments with respect to claims 1-32 have been considered but are deemed to be moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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